[11th November 1965

DEPUTY CHAIRMAN : The question is—

"That the Madras Warehouses (Amendment) Bill, 1965 (L.A. Bill No. 38 of 1965), as passed by the Assembly, be passed."

The motion was put and carried and the Bill was passed.

(7) THE MADRAS CITY TENANTS' PROTECTION (AMENDMENT) BILL, 1965 (L.A. BILL NO. 31 OF 1965).

THE HON. SRI V. RAMAIAH : Sir, I move—

"That the Madras City Tenants' Protection (Amendment) Bill,[a] 1965 (L.A. Bill No. 31 of 1965), as passed by the Assembly, be taken into consideration."

Sir, the Madras City Tenants' Protection Act, 1921 (Madras Act III of 1922), seeks to give protection to tenants who, in the City of Madras and in other specified municipal towns and adjoining areas, have constructed buildings on others' lands in the hope that they would not be evicted so long as they pay a fair rent for the land. Sections 6, 7 and 7-A provide for applications being made to the Court by the landlord or tenant in certain circumstances for fixing reasonable rent for the occupation of the land. Section 9 of the Act provides for an application being made by the tenant against whom a suit for ejectment has been instituted, to apply to the Court for an order that the landlord be directed to sell the whole or part of the extent of land, specified in the application to the tenant for a price to be fixed by the Court. Section 9-A, inserted in 1960, provides for an appeal from the orders passed, under sections 6, 7, 7-A and 9 of the Act. There is no provision in the Act fixing a time-limit, within which such appeal may be filed. Article 116 of the Scheule to the Limitation Act, 1963 (Central Act 36 of 1963), which covers only appeals under the Code of Civil Procedure, 1908 (Central Act V of 1908), may not apply to these appeals as the appeals are provided by section 9-A of Madras Act III of 1922. For the quick disposal of proceedings under the Act, it is considered necessary to provide a time-limit within which appeals under section 9-A should be filed. Accordingly, it is proposed to amend section 9-A, providing for the period of limitation for appeals under that section.

There is, at present, no provision in the Act prescribing the fees payable in respect of applications, petitions and appeals under the Act. The applications and petitions under the Act are filed in different Courts. In the City of Madras the applications and petitions can be filed in the Presidency Small Cause Court or in the City Civil Court. In the mofussil, such applications and petitions can be filed before the District Munsif or the Sub-Judge. So far as proceedings in the Madras Presidency Small Cause Court are concerned, the Madras Court-fees and Suits Valuation Act, 1955 (Madras Act XIV of 1955), does not apply, and only a fee of 75 Paise is chargeable in respect of applications and petitions filed before the Presidency Small Cause Court under Article 9

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[a] Printed as Appendix VIII on pages 271–272. infra

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of the Fifth Schedule to the Presidency Small Cause Courts Act, 1882 (Central Act XV of 1882). Even in the case of the City Civil Court and the Mofussil Courts, in the absence of a specific provision in the Madras Court-fees and Suits Valuation Act, 1955, a fee of 75 Paise will be chargeable in respect of such applications and petitions, if they are treated as applications or petitions under Article 11 (*g*) of Schedule II to Madras Act XIV of 1955 or Rs. 5, if the application or petition is filed in the District Munsif's Court and Rs. 10 if it is filed in other Courts, if such application or petition is treated as original petition falling under Article 11 (*l*) of the said schedule. In the circumstances, there has not been uniformity in the levy of fees in respect of applications and petitions under the Act. There is also the difficulty in fixing fees for appeals under section 9-A. In the circumstances, it is proposed to take power to prescribe in the rules the fees payable in respect of applications, petitions and appeals under the Act, so that a uniform fee may be prescribed irrespective of the courts in which such applications, petitions and appeals are preferred. 5-20 p.m.

Incidentally it is also proposed to take power to make rules in general, to carry out the purposes of the Act.

I request the House, Sir, to accept the motion.

DEPUTY CHAIRMAN : The question is—

"That the Madras City Tenants' Protection (Amendment) Bill, 1965 (L.A. Bill No. 31 of 1965), as passed by the Assembly, be taken into consideration."

The motion was put and carried and the Bill was taken into consideration.

Clauses 2 to 4 were put and carried.

Clause 1, the Long Title and the Enacting Formula were put and carried.

THE HON. SRI V. RAMAIAH : Sir, I move—

"That the Madras City Tenants' Protection (Amendment) Bill, 1965 (L.A. Bill No. 31 of 1965), as passed by the Assembly, be passed."

DEPUTY CHAIRMAN : The question is—

"That the Madras City Tenants' Protection (Amendment) Bill, 1965 (L.A. Bill No. 31 of 1965), as passed by the Assembly, be passed."

The motion was put and carried and the Bill was passed. 5-23 p.m.

DEPUTY CHAIRMAN : The House will now adjourn and meet again at 3 p.m. to-morrow.

The House then adjourned.